

MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF MEMPHIS

March 17, 2015

3:30 P.M. SCHEDULED SESSION

3:30 P.M. MEETING COMMENCED

ROLL CALL: Berlin Boyd, William Boyd, Joe Brown, Harold Collins, Kemp Conrad, Shea Flinn, Edmund Ford, Jr., Janis Fullilove, Wanda Halbert, Reid Hedgepeth, Bill Morrison, Jim Strickland and Chairman Myron Lowery

**THE MEETING WAS CALLED TO ORDER
BY SERGEANT-AT-ARMS**

INVOCATION

The meeting was opened with prayer by Rev. Jerry V. Crook from All Saints Episcopal Church. Councilman William Boyd presented Rev. Crook with a certificate naming him Chaplain of the day.

These minutes record the agenda items and the action taken by the Council on such items. The full text of the original of the ordinances, resolutions and supporting documents, including an audio recording of Council's deliberations are filed and maintained in the office of Council Records/Records Management, Room 2B-08. The original ordinances and/or resolutions adopted by the Council shall control in the event of any conflict between the description in these minutes and the original documents, ordinances and/or resolutions.

MINUTES

Approval of the Minutes of the regular meeting of March 3, 2015 with the following motion:

MOTION: Collins – Pull Item #2 from the Minutes and hold until 4/7/15

Chairman Lowery asked if there was an objection to pulling the item from the minutes. There was no objection. Item #2 from the Minutes of March 3, 2015 was pulled.

MAIN MOTION: Ford
SECOND: Morrison
AYES: B. Boyd, W. Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Strickland and Chairman Lowery

APPROVED, as amended

25. **ORDINANCE TO AMEND CHAPTER 2, CODE OF ORDINANCES OF THE CITY OF MEMPHIS, SO AS TO ESTABLISH COMMUNITY ADVISORY COUNCILS, UP FOR T H I R D AND F I N A L READING. ORDINANCE NO. 5557 IS SPONSORED BY COUNCILWOMAN WANDA HALBERT.** (Held from 8/19; 9/16; 10/21; 11/18; 12/16; 1/20; 2/3; 2/17).

Held until April 21, 2015

26. **ORDINANCE AMENDING THE TAXI ORDINANCE, UP FOR T H I R D AND F I N A L READING. ORDINANCE NO. 5578 IS SPONSORED BY COUNCILMAN KEMP CONRAD AND CHAIRMAN MYRON LOWERY.** (Held from 1/6; 1/20; 2/3; 2/17; 3/3)

Held until April 21, 2015

24. **ORDINANCE TO SET FOURTH UNIFORM REQUIREMENTS FOR TRANSPORTATION NETWORK SERVICES; TO DEFINE TRANSPORTATION NETWORK SERVICES, APPLICATIONS, COMPANIES, AND OPERATORS AND TO CREATE REGISTRATION PROVISIONS FOR OPERATORS; AND TO PROVIDE FOR OTHER RELATED MATTERS, UP FOR T H I R D AND F I N A L READING. ORDINANCE NO. 5569 IS SPONSORED BY COUNCILMAN KEMP CONRAD AND CO-SPONSORED BY CHAIRMAN MYRON LOWERY.** (Held from 11/4; 11/18; 1/6; 1/20; 2/3; 2/17; 3/3)

Held until April 21, 2015

1. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED AT 4069 AND 4070 LAMAR AVENUE, CONTAINING 6.13 ACRES IN THE CMU-3 DISTRICT. THIS RESOLUTION IS SPONSORED BY THE OFFICE OF PLANNING AND DEVELOPMENT.**

Case No. PD 15-301

Held until April 7, 2015

2. **RESOLUTION APPROVING A STREET/ALLEY CLOSURE LOCATED ON COUGHLIN DRIVE BETWEEN BROOKS ROAD AND STONEBROOK AVENUE, CONTAINING 2.058 ACRES IN THE EMPLOYMENT (EMP) DISTRICT. THIS RESOLUTION IS SPONSORED BY THE OFFICE OF PLANNING AND DEVELOPMENT.** (Held from 4/15; 5/20; 10/7; 10/21; 11/18; 12/16; 1/20)

Case No. SAC 13-605

Companion Case No. SD 13-701

Held until April 21, 2015

7. **RESOLUTION APPROVING A STREET DEDICATION LOCATED ON SANDBROOK AND STONEBROOK AVENUES, CONTAINING 0.146 ACRE IN THE EMPLOYMENT (EMP) DISTRICT. THIS RESOLUTION IS SPONSORED BY THE OFFICE OF PLANNING AND DEVELOPMENT.** (Held from 4/15; 5/20; 10/7; 10/21; 11/18; 12/16; 1/20).

Case No. SD 13-701

Companion Case No. SAC 13-605

Held until April 21, 2015

29. **RESOLUTION APPROVING AN AMENDMENT TO THE EXCLUSIVE ARCHERY RIGHTS MEMORANDUM AGREEMENT WITH TWRA DATED APRIL 23, 2001, AS APPROVED BY THE BOARD OF COMMISSIONERS OF THE MEMPHIS AND SHELBY COUNTY PORT COMMISSION ON OCTOBER 15, 2014. THIS RESOLUTION IS SPONSORED BY THE PORT COMMISSION.**

Contract No. CR-5228

Held for 60 days

35. **RESOLUTION AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF NOT TO EXCEED \$235,000,000.00 AGGREGATE PRINCIPAL AMOUNT OF GENERAL IMPROVEMENT REFUNDING BONDS FOR THE PURPOSE OF REFUNDING CERTAIN OUTSTANDING GENERAL IMPROVEMENT BONDS OF THE CITY AND GENERAL IMPROVEMENT BONDS FOR THE PURPOSE OF PAYING AT MATURITY, THE PRINCIPAL OF CERTAIN GENERAL OBLIGATION COMMERCIAL PAPER OF THE CITY.**

MOTION: Halbert
SECOND: B. Boyd
AYES: B. Boyd, W. Boyd, Brown, Ford, Fullilove, Halbert, Morrison and Chairman Lowery
NAYS: Collins, Conrad, Flinn and Strickland
Hedgepeth did not cast a vote

APPROVED

Director Collins requested same night minutes for this item. Chairman Lowery asked if there was any objection to having same night minutes. There was objection.

MOTION: Flinn – Same night minutes
SECOND: W. Boyd

MOTION WITHDRAWN

MOTION: Halbert – Same night minutes
SECOND: W. Boyd

AYES: W. Boyd, Brown, Flinn, Halbert, Hedgepeth and Chairman Lowery
NAYS: B. Boyd, Collins, Ford, Fullilove and Morrison
Conrad and Strickland did not cast a vote

APPROVED, set up as Special Item #1

Attorney Wade recognized Lisa Daniels from Public Financial Management.

23. **APPOINTMENTS**

MEMPHIS HOUSING AUTHORITY

Appointment

Lisa Wheeler Jenkins

Re-Appointments

Elma H. Mardis
William E. Stemmler

MEMPHIS AND SHELBY COUNTY LAND USE CONTROL BOARD

Appointment

Travis D. Green - **Withdrawn**

PREVAILING WAGE COMMISSION

Appointment

Cameron Taylor

Chairman Lowery stated that Travis Green withdrew his name.

MOTION: Brown
SECOND: B. Boyd
AYES: B. Boyd, W. Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert,
Hedgepeth, Morrison, Strickland and Chairman Lowery

APPROVED, as amended. Travis Green's name has been withdrawn

3. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED AT 310 UNION AVENUE AND 341 MONROE AVENUE, APPROXIMATELY 200 FEET WEST OF DANNY THOMAS BOULEVARD, CONTAINING 1.71 ACRES IN THE SOUTH CENTRAL BUSINESS IMPROVEMENT DISTRICT (SCBID) AND THE SPORTS & ENTERTAINMENT (SE) DISTRICT. THIS RESOLUTION IS SPONSORED BY THE OFFICE OF PLANNING AND DEVELOPMENT.**

Case No. SUP 14-240

Chairman Lowery recognized the following person who spoke from the audience:

George “Mike” Todd, 629 Monroe, Memphis, TN 38103

Applicant: Gopal (Sam) Govan
Pickering Firm, Inc. – Harvey Matheny – Representative

Request: Proposed new hotel development

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Collins
SECOND: W. Boyd
AYES: B. Boyd, W. Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Strickland and Chairman Lowery

APPROVED

4. **RESOLUTION APPROVING A HOTEL/MOTEL WAIVER FOR HYATT PLACE MEMPHIS, LOCATED AT 7905 GIACOSA PLACE, MEMPHIS, TN 38133. THIS RESOLUTION IS SPONSORED BY THE OFFICE OF PLANNING AND DEVELOPMENT.**

Case No. HMW 15-01

MOTION: Collins
SECOND: W. Boyd
AYES: B. Boyd, W. Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Strickland and Chairman Lowery

APPROVED

5. **RESOLUTION APPROVING HOTEL/MOTEL WAIVER FOR HOLIDAY INN, LOCATED AT 2240 DEMOCRAT ROAD, MEMPHIS, TN 38132. THIS RESOLUTION IS SPONSORED BY THE OFFICE OF PLANNING AND DEVELOPMENT.**

Case No. HMW 15-03

MOTION: Collins

SECOND: B. Boyd
 AYES: B. Boyd, W. Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Strickland and Chairman Lowery

APPROVED

6. **RESOLUTION APPROVING A STREET/ALLEY CLOSURE LOCATED ON THE STREET RIGHT-OF-WAY BETWEEN MCLEMORE AND COLORADO, CONTAINING 2.22 ACRES IN THE EMPLOYMENT (EMP) AND HEAVY INDUSTRIAL (IH) DISTRICTS. THIS RESOLUTION IS SPONSORED BY THE OFFICE OF PLANNING AND DEVELOPMENT.**

Case No. SAC 14-610
 (Kentucky Street)

Applicant: Trumbo, Inc.
 Tim McCaskill – Representative

Request: Close and vacate a portion of street right-of-way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

MOTION: Collins
 SECOND: W. Boyd
 AYES: B. Boyd, W. Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Strickland, and Chairman Lowery

APPROVED

8. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED AT 1780 GETWELL ROAD, CONTAINING 2.21 ACRES IN THE COMMERCIAL MIXED USE-3 (CMU-3) DISTRICT. THIS RESOLUTION IS SPONSORED BY THE OFFICE OF PLANNING AND DEVELOPMENT. (Held from 2/17; 3/3)**

Case No. SUP 14-238

Applicant: Lee Nguyen

Request: To establish a used car sales facility

LUCB and OPD recommendation: APPROVAL, with (7) conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

MOTION: Collins
SECOND: B. Boyd
NAYS: B. Boyd, W. Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert,
Hedgepeth, Morrison, Strickland and Chairman Lowery

FAILED

CONSENT AGENDA – Items 9, 10 and 30–34 may be acted upon by one motion: SEE PAGE 3253 FOR ROLL CALL

9. **RESOLUTION APPROVING FINAL PLAT OF 4177 S. MENDENHALL ROAD-ASPR.**
Contract No. CR-5229

Resolution approves the final plat located on the southwest corner of Raines Road and Mendenhall Road. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

APPROVED

10. **RESOLUTION APPROVING AN HONORARY STREET NAME CHANGE OF E. HOLMES ROAD FOR CD. THIS RESOLUTION IS SPONSORED BY COUNCILMAN HAROLD COLLINS.**

APPROVED

30. **RESOLUTION APPROVING AN HONORARY STREET NAME CHANGE FOR PASTOR GEORGE W. MATTHEWS.**

APPROVED

31. **NOTATION FROM LAND USE CONTROL BOARD THAT THE FOLLOWING CASE WAS HEARD AND RECOMMENDATION MADE REQUESTING A DATE OF PUBLIC HEARING:**

A. Case No. S 11-007 – Belle Meade Subdivision, Resubdivision of Lot 94

Public Hearing Set for April 21, 2015

32. **ORDINANCE TO AMEND CITY OF MEMPHIS, CODE OF ORDINANCES, CHAPTERS 9-12-35 AND 9-12-36(A)(1), REQUESTING APPROVAL TO INCREASE THE AIR POLLUTION EMISSION FEE FROM \$43.00 TO \$48.00 PER TON OF ANNUAL EMISSIONS AND TO INCREASE THE ANNUAL PERMIT FEE FROM \$1000.00 TO \$2000.00 FOR TITLE V SOURCES, UP FOR F I R S T READING. ORDINANCE NO. 5581 IS SPONSORED BY PUBLIC WORKS.**

APPROVED, on First reading

33. **ORDINANCE TO AMEND CITY OF MEMPHIS, CODE OF ORDINANCES, TITLE 9, CHAPTER 9-12, ARTICLE 1, SECTION 9-12-4, TITLED “OPEN BURNING” TO MEET THE REQUIREMENT RECENTLY ADOPTED BY THE TENNESSEE AIR POLLUTION CONTROL BOARD AND PLACED IN THE CERTIFICATE OF EXEMPTION (COE) ISSUED TO SHELBY COUNTY AND ALL OF ITS MUNICIPALITIES ON MAY 14, 2014, UNDER THE PROVISIONS OF THE TENNESSEE AIR QUALITY ACT, T.C.A. § 68-201-115 (E) ET SEQ., TO AUTHORIZE AN EXPEDITED PROCESS TO GRANT WAIVERS FROM OPEN BURNING REGULATIONS, UP FOR F I R S T READING. ORDINANCE NO. 5582 IS SPONSORED BY PUBLIC WORKS.**

APPROVED, on First reading

34. **RESOLUTION HONORING THE LIFE OF LADY JUDITH KERR PATTERSON.**

APPROVED

ROLL CALL CONSENT ITEMS

MOTION: Ford
SECOND: Morrison
AYES: B. Boyd, W. Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Strickland and Chairman Lowery

APPROVED

MLGW FISCAL CONSENT – Items 11-22 may be acted upon by one motion:

11. **RESOLUTION AWARDDING CONTRACTS TO SUMMIT TRUCK GROUP IN THE AMOUNT OF \$1,625,969.00 AND SCRUGGS EQUIPMENT COMPANY IN THE AMOUNT OF \$146,720.00, FOR MEDIUM AND HEAVY DUTY VEHICLES.**

APPROVED

12. **RESOLUTION AWARDING A CONTRACT FOR THE PURCHASE OF BI-FUEL LIGHT DUTY CNG (COMPRESSED NATURAL GAS) GASOLINE TRUCKS, IN THE AMOUNT OF \$464,553.00 TO AUTONATION FORD MEMPHIS AND IN THE AMOUNT OF \$36,256.00 TO CHUCK HUTTON CHEVROLET.**

APPROVED

13. **RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 11600, GAS LEAK SURVEY, WITH HEATH CONSULTANTS, INCORPORATED, IN THE FUNDED AMOUNT OF \$446,100.90. (THE INITIAL TERM OF THE CONTRACT WAS FOR ONE YEAR FROM THE DATE OF THE NOTICE TO PROCEED WITH AN OPTION OF FOUR ANNUAL RENEWAL TERMS. THIS CHANGE IS FOR THE SECOND OF FOUR RENEWAL TERMS COVERING A SIX MONTH PERIOD, APRIL 1, 2015 THROUGH OCTOBER 1, 2015.)**

APPROVED

14. **RESOLUTION AWARDING A CONTRACT TO BRIGHTER DAYS AND NITES, INC., FOR COATED WELDED STEEL PIPE, IN THE AMOUNT OF \$54,282.20.**

APPROVED

15. **RESOLUTION APPROVING PAYMENT OF AN INVOICE FROM THE AMERICAN GAS ASSOCIATION, FOR THE 2015 ANNUAL MEMBERSHIP DUES, IN THE AMOUNT OF \$59,600.00.**

APPROVED

16. **RESOLUTION APPROVING PAYMENT OF AN INVOICE FROM TENNESSEE REGULATORY AUTHORITY, FOR THE TRA INSPECTION FEE FOR 2014, IN THE AMOUNT OF \$78,000.00.**

APPROVED

17. **RESOLUTION AWARDING A TWENTY-FOUR MONTH CONTRACT TO BRIGHTER DAYS AND NITES, INC., FOR THE PURCHASE OF DUCTILE IRON PIPE, IN THE AMOUNT OF \$2,073,760.00.**

APPROVED

18. **RESOLUTION AWARDING TWELVE MONTH CONTRACTS TO ELSTER AMERICAN METER IN THE AMOUNT OF \$116,409.60, AND EXPERITEC, INC. IN THE AMOUNT OF \$7,104.00, FOR GAS REGULATORS.**

APPROVED

19. **RESOLUTION AWARDDING A TWENTY-FOUR MONTH CONTRACT TO BRIGHTER DAYS AND NITES, INC., FOR THE PURCHASE OF POLYETHYLENE PIPE, IN THE AMOUNT OF \$765,052.45.**

APPROVED

20. **RESOLUTION AWARDDING A CONTRACT TO BRIGHTER DAYS AND NITES, INC., FOR SWITCHES AND CONTROLS, IN THE AMOUNT OF \$248,304.00.**

APPROVED

21. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 11351, TITLE FLEXIBLE SPENDING ADMINISTRATOR, WITH WAGeworks, INCORPORATED, IN THE FUNDED AMOUNT OF \$18,000.00. (THIS CHANGE IS TO EXTEND THE CURRENT CONTRACT FOR AN ADDITIONAL ONE YEAR TERM COVERING THE PERIOD MAY 1, 2015 THROUGH APRIL 30, 2016, WHICH REFLECTS NO INCREASE IN RATES FROM THE PREVIOUS YEAR. THIS CHANGE WILL ALSO ALLOW MLGW TIME TO SOLICIT PROPOSALS FOR A NEW CONTRACT.)**

APPROVED

22. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 11642, ENVIRONMENTAL CONSULTING SERVICES, WITH BH&M ENVIRONMENTAL CONSULTANTS, LLC, IN THE FUNDED AMOUNT OF \$4,500,000.00. (THIS CHANGE IS TO RENEW THE CURRENT CONTRACT FOR THE FIRST OF FOUR RENEWAL TERMS COVERING THE PERIOD APRIL 14, 2015 THROUGH APRIL 13, 2016, WITH NO INCREASE IN RATES FROM THE PREVIOUS YEAR.)**

APPROVED

MLGW ROLL CALL CONSENT ITEMS

MOTION: B. Boyd

SECOND: Ford

AYES: B. Boyd, W. Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Strickland and Chairman Lowery

APPROVED

27. **RESOLUTION APPROVING THE MID-YEAR CLEAN-UP TO ADJUST EXPENSES FOR UNANTICIPATED CIRCUMSTANCES. THIS RESOLUTION IS SPONSORED BY ADMINISTRATION.**

MOTION: Strickland – Add language: Of the spousal carve-out, 25% subsidy for eligible Post 65 medicare retirees, and claims experience contingency, and any other Healthcare expenses shall be paid from the healthcare fund, which was supplemented by a premium increase

Chairman Lowery asked if there was any objection to this amendment. There was no objection.

MAIN MOTION: Strickland
SECOND: Ford
AYES: B. Boyd, W. Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Hedgepeth, Morrison, Strickland and Chairman Lowery
Halbert did not cast a vote

APPROVED, as amended

28. **RESOLUTION REQUESTING THE ACQUISITION, BY CONDEMNATION OR BY PURCHASE, OF PROPERTY LOCATED AT 0 BELMONT CIRCLE VALUED AT \$5,000.00, FOR THE DEVELOPMENT OF THE WOLF RIVER GREENWAY TRAIL, PHASE IV. THE SITE CONTAINS APPROXIMATELY 0.845 ACRES. THIS RESOLUTION IS SPONSORED BY GENERAL SERVICES.**

MOTION: Hedgepeth
SECOND: Flinn
AYES: B. Boyd, W. Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Strickland and Chairman Lowery

APPROVED

MINUTES

Approval of the Minutes of the regular meeting of March 17, 2015 for Item #35 only, with the following motion:

MOTION: Fullilove
SECOND: B. Boyd
AYES: B. Boyd, W. Boyd, Brown, Collins, Conrad, Fullilove, Strickland and Chairman Lowery
NAYS: Ford and Morrison
Flinn, Halbert and Hedgepeth did not cast a vote

APPROVED

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

Chairman Lowery recognized the following person who spoke from the audience:

Walter Broady, III, 4256 Ledbetter Cove, Memphis, TN 38109
Min. Suhkara Yahweh, 870 E. McLemore, Memphis, TN 38106

ADJOURNED MEETING AT 5:09 P.M.

Upon statement of the Chairman, without objection, the meeting was adjourned, subject to the call of the Chairman.

CHAIRMAN

Attest:

Deputy Comptroller/Council Records